THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19473 of 2006

Dated: 20-09-2006

Between:

S. Shyam Prasad.

..... PETITIONER

AND

The Government of Andhra Pradesh,
rep. by its Principal Secretary, Hyderabad and others.

.....RESPONDENTS

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ORDER:

The petitioner's father allegedly purchased land admeasuring Ac.1.20 guntas in survey No.330 situated at Nizampet Village, Qutbullapur Revenue Mandal, Ranga Reddy District, under registered sale deed dated 08-03-1965 from original pattadar one Vadla Lakshmaiah. The petitioner's father was also allegedly recorded as owner in the revenue records. The petitioner, having succeeded to the said property, approached the

Sub Registrar for selling the same. At that time it was notified that the land in survey No.330 of Nizampet Village cannot be registered in view of issuance of G.O.Ms.No.292 dated 09-03-2005 under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as applicable in the State of Andhra Pradesh. The petitioner then filed W.P.No.11472 of 2006. By order dated 26-06-2006, this Court disposed of the matter quashing the said G.O. Thereafter, he approached respondent No.1 to denotify the land survey No.330 of Nizampet Village. The Government, by memo dated 21-07-2006, forwarded the same to respondent No.2. By letter dated 14-09-2006, after considering the request of the petitioner to denotify the land in survey No.330 of Nizampet Village, which was classified as 'Kharij Khata Sarkari', respondent No.2 informed the petitioner that his request cannot be considered. This is assailed in the present writ petition.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

The Government issued G.O.Ms.No.292 dated 09-03-2005 prohibiting registration in respect of the land comprised in survey No.330 of Nizampet Village. However, the same was invalidated by this Court. The effect of such invalidation could be that there is no embargo for registering any document in respect of land in survey No.330 of Nizampet Village provided the person claiming the land has marketable title. In this case, the land in survey No.330 of Nizampet Village was registered as Karij Khata Sarkari and when the petitioner requested the Government to treat the land as patta land, the same was rejected by the District Collector. Whether or not there is embargo for registering land, the petitioner certainly cannot have any marketable title in respect of Government land or the land which is classified as Sarkari land. Therefore, this Court does not find any infirmity in the impugned order/letter dated 14-09-2006.

The writ petition, with the above observations, is accordingly

dismissed. No costs.

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(**V.V.S.RAO, J**)

20th September, 2006
ghn